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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,757	09/08/2003	Wayne Robert Heinmiller	AMT-9714C2	3905
25007	7590	09/02/2005		
LAW OFFICE OF DALE B. HALLING, LLC 655 SOUTHPOINTE COURT, SUITE 100 COLORADO SPRINGS, CO 80906			EXAMINER TIEU, BINH KIEN	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/658,757	<b>Applicant(s)</b> HEINMILLER ET AL.	
	<b>Examiner</b> BINH K. TIEU	<b>Art Unit</b> 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 23-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Preliminary Amendment***

1. Applicants' preliminary amendment filed on 09/08/2003 was entered. The original claims 1-22 were cancelled by Applicants' request. New claims 23-32 were entered. At this point, claims 23-32 are pending in this Application.

### ***Double Patenting***

2. Claims 23-32 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. **6,650,743**, claims 1-11 of U.S. Patent No. **6,445,781** and claims 1-22 of U.S. Patent No. **6,101,246**. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 23-32 recited the scope of providing caller identification for calls places over an Internet.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

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evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew et al. (U.S. Pat. #: 6,122,255) in view of Siegrist et al. (U.S. Pat. #: 6,914,899).

Regarding claim 23, Bartholomew et al. ("Bartholomew") teaches a method of routing an internet call over an Internet, comprising the steps of:

- (a) determining if a long distance call is an internet call (col.26, lines 40-46); and
- (b) when the long distance call is the internet call, routing the long distance call over an internet to a local access transport area and to a terminating line associated with a dialed long distance number (col.26, line 47 – col.27, line 22).

It should be noticed that Bartholomew fails to clearly teach the feature of routing a caller identification information over an advanced intelligent network to the terminating line. However, Siegrist et al. ("Siegrist") teaches a method of routing caller identification data from calling terminal such as one of calling terminals 120a and 120b, shown in figure 1, to a called party terminal such as one of extension telephone terminals at call center 150 via Internet such as Data Packet Network 110 using in-band or out-of-band signaling such as SS7 protocols signaling (col.5, line 33 – col.6, line 33; col.8, line 41 – col.9, line 26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of routing a caller identification

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information over an advanced intelligent network to the terminating line, as taught by Siegrist, into view of Bartholomew in order to provide caller ID information service to internet call subscribers.

Regarding claim 25, Bartholomew further teaches limitations of the claim in col.25, line 56-65.

Regarding claim 26, Bartholomew further teaches that the call is programmed to be completed through a remote central office (col.10, lines 13-23) such as destination Internet Module 74 (col.11, lines 12-49), and Siegrist forwarding caller ID information to the terminating line (col.5, line 66 – col.6, line 6).

Regarding claim 27, Bartholomew further teaches telephone terminals 56 and 58 are POTS or standard telephone terminals for initiating the long distance call (col.9, lines 24-35 and col.10, lines 1-7).

6. Claims 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moss et al. (U.S. Pat. #: 6,160,876) in view of Siegrist et al. (U.S. Pat. #: 6,914,899).

Regarding claim 28, Moss et al. (“Moss”) teaches a method of providing caller, comprising the steps of:

(a) routing a standard long distance telephone call to a destination service switching point including an authentication code (i.e., routing a call to SS 102 as shown in figure 2, col.4, lines 35-48);

(b) transmitting a caller identification query to a service control point including an authentication code (col.4, lines 48-50); and

(c) when a response to the caller identification query is not positive (i.e., Presentation Restriction Indicator parameter, col.5, line 9-28), routing the standard long distance call to a terminating line associated with a dialed long distance number (col.6, lines 29-41) and without including a caller identification information (i.e., in a case of caller identification information can not be provided, col.7, lines 41-45).

It should be noticed that Moss fails to clearly teach the feature of routing the call over an Internet to the destination SSP. However, Bartholomew teaches routing a call from SSP/Internet Module 72 via Internet to destination SSP/Internet Module 74, col.11, lines 12-65 for a purpose of providing enhanced access to the Internet through existing public switched telephone network PSTN network.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of routing the call over an Internet to the destination SSP., as taught by Bartholomew, in order to improve the caller ID service on calls routing over the Internet.

7. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moss et al. (U.S. Pat. #: 6,160,876) in view of Siegrist et al. (U.S. Pat. #: 6,914,899) as applied to claim 28 above, and further in view of Latter et al. (Pub. No.: US 2002/0041664 A1).

Regarding claim 29, Moss and Siegrist, in combination, teaches all subject matters as claimed above, except for the feature of (d) when the response to the caller identification query is

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positive, routing the standard long distance call to the terminating line associated with the dialed long distance number and including the caller identification information. However, Latter et al. (“Latter”) teaches such feature paragraphs [0019] and [0033].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of (d) when the response to the caller identification query is positive, routing the standard long distance call to the terminating line associated with the dialed long distance number and including the caller identification information, as taught by Latter, into view of Moss and Siegrist in order to provide caller ID information with call completion.

8. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moss et al. (U.S. Pat. #: 6,160,876) in view of Siegrist et al. (U.S. Pat. #: 6,914,899) and Latter et al. (Pub. No.: US 2002/0041664 A1), and further in view of Madoch et al. (U.S Pat. #: 6,741,693).

Regarding claims 30, Moss, Siegrist and Latter, in combination, teaches all subject matters as claimed above, except for the feature of sending a routing query from a service switching point in a first local access transport area to a service control point; and receiving a routing instruction from the service control point including the authentication code. However, Madoch et al. (“Madoch”) teaches such feature in col.2, line 65 – col.3, line 43.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of sending a routing query from a service switching point in a first local access transport area to a service control point; and receiving a routing instruction from the service control point including the authentication code,

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as taught by Madoch, into view of Moss, Siegrist and Latter in order to terminate the call to designed destination.

Regarding claims 31-32, Madoch also teaches limitations of the claim in col.2, line 65 – col.3, line 43.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

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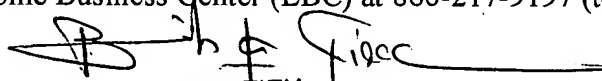
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BINH TIEU  
PRIMARY EXAMINER

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Date: August 29, 2005